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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	) Date: November 30, 2005
Ronald P. Sansone	) Attorney Docket No.: F-431
Serial No.: 10/015,309	) Customer No.: 00919
Filed: December 12, 2001	) Group Art Unit: 3621
Confirmation No.: 5556	) Examiner: Behrang Badii

Title: A SYSTEM FOR ACCEPTING NON HARMING MAIL AT A RECEPTACLE

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION 37 CFR 1.192)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith in **triplicate** is the **APPEAL BRIEF** in the above-identified patent application with respect to the Notice of Appeal filed on August 30, 2005.

Pursuant to 37 CFR 1.17(c), the fee for filing the Appeal Brief is $500.00

Applicant petitions for a month extension of time under 37 CFR 1.136. The fee for a month extension of time is $.

The total fee due is:

Appeal Fee:	$500.00
Total Fee Due:	$500.00

Please charge Deposit Account No. **16-1885** in the amount of $ to cover the above fees.

The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. **16-1885**.

A duplicate copy of this transmittal is enclosed for use in charging the Deposit Account.

Respectfully submitted,

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APPELLANT'S BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on October 7, 2005.

This Brief is transmitted in triplicate.

TABLE OF CONTENTS

This brief contains these items under the following headings and in the order set forth below:

I REAL PARTY IN INTEREST

Pitney Bowes Inc. is the real party in interest.

II RELATED APPEALS AND INTERFERENCES

a) U.S. Patent Application Serial No. 10/015,464 entitled "Method And System For Accepting Non-Harming Mail At A Home Or Office" is presently on appeal to the Board Of Appeals

b) U.S. Patent Application Serial No. 10/015,469 entitled "System For A Recipient To Determine Whether Or Not They Received Non-Life Harming Materials" is presently on appeal to the Board Of Appeals

III STATUS OF CLAIMS

a) Claims 1 - 26 are in the application.

b) Claims 1 - 26 are rejected.

c) Claims 1 - 26 are on appeal.

IV STATUS OF AMENDMENTS

An amendment subsequent to the July 12, 2005, Final Rejection was filed on August 26, 2005. This amendment was not entered.

V SUMMARY OF CLAIMED SUBJECT MATTER

A. Background

The prior art does not provide a system that enables the recipient of mail that is addressed to the recipient to determine the identity of the person or group that placed an indicia and other information on mail, i.e., the person or group who

applied for a license to use the meter, before the mail enters the interior of a receptacle.

People have used the United States Postal Service (USPS) and other courier services, e.g., Federal Express®, Airborne®, United Parcel Service,® DHL®, etc., hereinafter called "carriers", to deliver materials to recipients to whom the sender does not want to deliver personally. Unfortunately, sometimes the delivered materials may be illegal and/or hazardous to the health of the recipient and to the party who is delivering the goods, e.g., life-harming. Examples of life harming materials are explosives; gun powder; blasting material; bombs; detonators; smokeless powder; radioactive materials; ammunition; atomic weapons; chemical compounds or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignite by fire, friction, concussion, percussion or detonation of any part thereof which may and is intended to cause an explosion; poisons; carcinogenic materials; caustic chemicals; hallucinogenic substances; illegal materials; drugs that are illegal to sell and/or dispense; and substances which, because of their toxicity, magnification or concentration within biological chains, present a threat to biological life when exposed to the environment, etc.

Soon after the September 11, 2001, terrorist attack on the United States, someone and/or a group of people has been adding harmful biological agents to the mail. The addition of harmful biological agents to the mail submitted to the USPS has caused the death of some people and necessitated the closure of some post offices and

other government office buildings. Thus, there is an urgent need to exclude life-harming materials that are included in the mail.

B. Appellant claims a incoming mail monitoring system, that stores unique information, contained in a postal indicia affixed to mail; a plurality of receptacles that reads and stores the unique information before the mail enters the interior of the receptacle; and a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

This invention overcomes the disadvantages of the prior art by providing a system that enables carriers of letters, flats and/or packages (hereinafter "mail") that are addressed to a recipient to determine the identity of the person or group that placed an indicia and other information on mail, i.e., the person or group who applied for a license to use the meter. The identity of the mailing would also be uniquely identified. Since the identity of the mailer and specific item being mailed in a receptacle would be known, people would not likely place life-harming material in the mail if they would likely be apprehended. Thus, this invention is able to assess the likelihood that the mail contains life-harming materials before the mail enters the interior of a receptacle, i.e., mailbox. Hence, the carrier may be able to remove mail from the mail stream at its entry point to the mail stream before it causes human harm and/or causes extensive property damage.

This invention accomplishes the foregoing by scanning mail in a control chamber of a receptacle that is addressed to a recipient which contains material that may or may not be life harming; capturing an image of the face of the mail, which

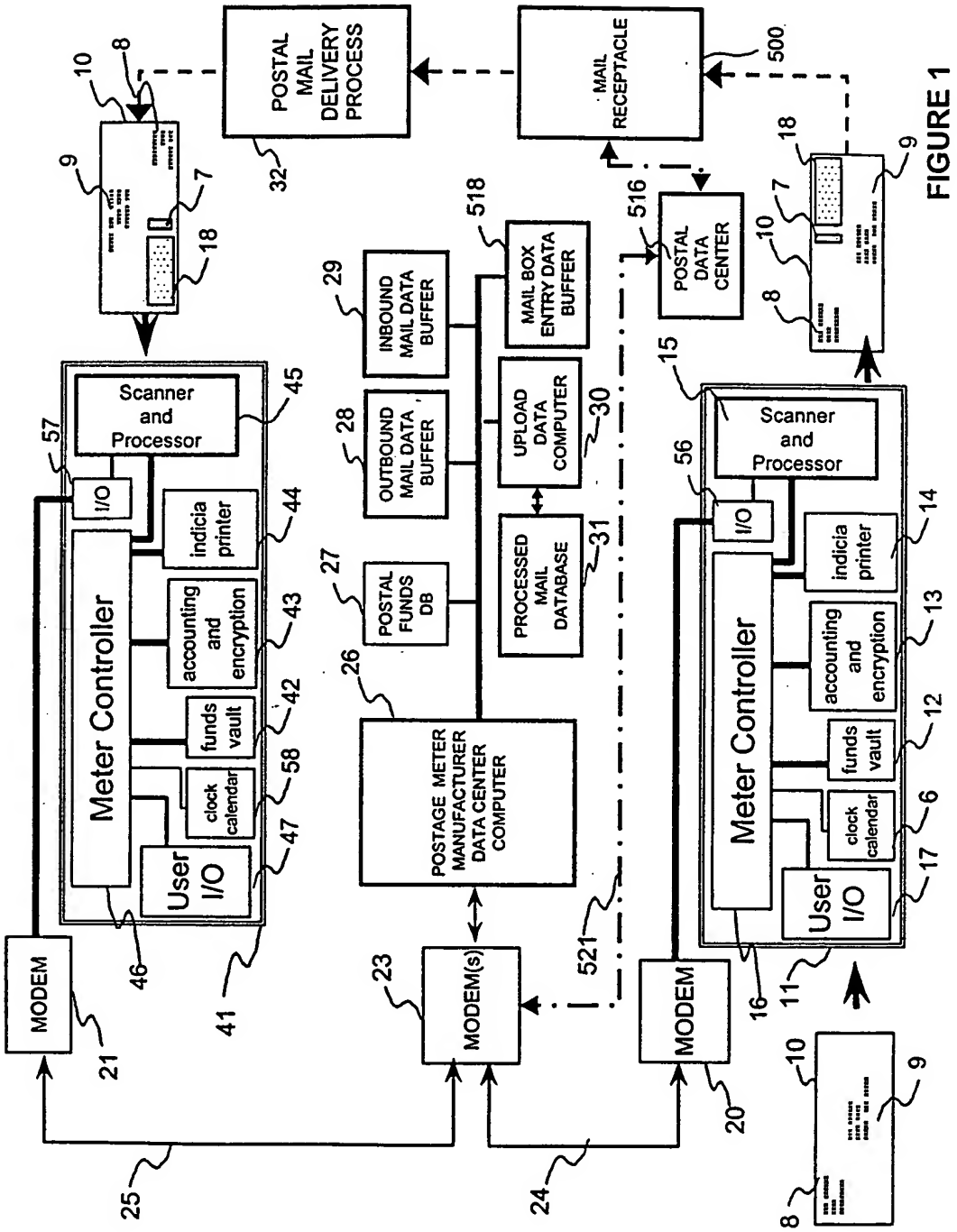
POSTAL MAIL DELIVERY PROCESS
MAIL RECEPTACLE
POSTAL DATA CENTER
INBOUND MAIL DATA BUFFER
OUTBOUND MAIL DATA BUFFER
POSTAL FUNDS DB
MAIL BOX ENTRY DATA BUFFER
UPLOAD DATA COMPUTER
PROCESSED MAIL DATABASE
POSTAGE METER MANUFACTURER DATA CENTER COMPUTER
MODEM(s)
MODEM
Meter Controller
Scanner and Processor
I/O
indicia printer
accounting and encryption
funds vault
clock calendar
User I/O

FIGURE 1

includes the name and physical address of the recipient and the postal indicia; and processing the image on the face of the mail to identify the mailer and the mail to assess the possibility of the presence of life harming material in the mail.

Claim 1 is the only independent claim in this patent application. Claim 1 relates to an incoming mail monitoring system. Claim 1 includes the following elements a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail; a plurality of receptacles that reads and stores the unique information before the mail enters the interior of the receptacle; and a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

The foregoing method is shown in Fig. 1 and Fig. 2 paragraph 0015 on page 5 to paragraph 0026 of page 11 of Appellants' Patent Application. A copy of Fig. 1 appears next to this page.

Referring now to the drawings in detail, and more particularly to Fig. 1, the reference character 11 represents an electronic postage meter. Postage meter 11 includes a funds vault 12, that represents the value of the postage that may be used by meter 11; an accounting and encryption module 13 that contains information that is used to print indicia 18; a printer 14; a scanner and processor 15; a controller 16; a clock and calendar 6; a user I/O 17; and, a signal I/O 56. Accounting and encryption module 13 obtains a security code that may be obtained from address field 9 of mail piece 10 and information contained in postage meter 11. The manner in which the aforementioned security code is obtained is disclosed in the Sansone et al United States Patent No.

security code is obtained is disclosed in the Sansone et al United States Patent No. 4,831,555 entitled "Unsecured Postage Applying System" herein incorporated by reference. User I/O 17 comprises a keyboard in which an operator may enter information into meter 11, and a display in which an operator of meter 11 may read information about meter 11. Funds vault 12, accounting and encryption module 13, indicia printer 14, scanner and processor 15, clock and calendar 6, and user I/O 17 are coupled to controller 16. Clock and calendar 6 provides an internal source of time and date for controller 16. Thus, clock and calendar 6 will supply the instant date and time that meter 11 affixed the indicia to mail piece 10. Scanner and processor 15 will store the above information in buffer 54 (described in the description of Fig. 3A).

Actions performed by meter 11 are communicated to controller 16. Controller 16 controls the actions of postage meter 11. Clock and calendar 6 also permit controller 16 to store the date and time that postal indicia 18 was affixed to mail piece 10. Controller 16 uses the weighing of the mail piece to determine the correct postage, and enables meter 11 to affix the correct postage to the mail piece. Controller 16 is described in Wu's United States Patent No. 5,272,640 entitled "Automatic Mail-Processing Device With Full Functions"
herein incorporated by reference.

The user of meter 11 places the mail piece to be mailed on a scale (not shown) and enters the classification of the material to be mailed, i.e., first class mail,

standard mail, parcel post, etc., into the keyboard of I/O 17, and relevant information regarding the object to be mailed is displayed on the display of I/O 17.

Printer 14 will print postal indicia 18 on mail piece 10. Scanner and processor 15 scans address field 9 and sender return address field 8 of mail piece 10. Then, scanner and processor 15 segments the information contained in fields 8 and 9 and stores the segmented information, i.e., tracking code 7. Tracking code 7 may be similar to or the same as the security code determined by accounting encryption module 13. For instance, a unique tracking number may be composed by assembling a number that includes the meter number, the date of mailing the mail piece, the time of day, the postage placed on the mail piece, the zip code of the licensee of the meter, the name, address, city, state and zip code of the sender of the mail piece, and the name, address, city, state and zip code of the recipient of the mail piece. It will be obvious to one skilled in the art that any combination of the aforementioned variables may be used if the meter number is included. In the United States, meter manufactures identify their meters by one or two alpha characters before the meter number. It will also be obvious to one skilled in the art that many other variables may be used to produce unique tracking numbers.

I/O 56 is coupled to modem 20 and scanner and processor 15. Modem 23 is coupled to modem 20 via communications path 24, and modem 21 is coupled to modem 23 via communications path 25. Modem 23 is coupled to postage meter data center computer 26. Modem 23 is coupled to postal data center 516 via

communications path 521. Computer 26 manages the day-to-day operation of its postage meters metering, i.e., installing new postage meters, withdrawing postage meters, and refilling postage meters with customer funds.

Computer 26 is coupled to postal funds data base 27. Data base 27 stores postal funds that have been used and credited to meters 11 and 41. Computer 26 is also coupled to outbound mail data buffer 28 that receives information about mail piece 10 from postage meter 11, i.e., tracking number 7 and address field 9; inbound mail data buffer 29 that receives information about mail piece 10 from postage meter 41, i.e., tracking number 7 and address field 9; letter box entry data buffer 518 that buffers the scanned data from receptacle 500 (Fig. 2), and upload data computer 30 that receives and processes information from buffers 28 and 29. Processed mail data base 31 is coupled to upload data computer 30. Processed mail data base 31 stores the result of the output of computer 30 and makes it available to computer 26 for transmission to meter 11.

Postage meter 41 includes a funds vault 42 that represents the value of the postage that may be used by meter 41; an accounting and encryption module 43 that contains information that is used to print postal indicium; a printer 44; a scanner and processor 45; a controller 46; a clock and calendar 58 that permits controller 46 to store the date and time that scanner 45 scanned mail piece 10; a user I/O 47; and a I/O 57. Funds vault 42, accounting and encryption module 43, indicia printer 44, scanner and processor 45, and user I/O 47 are coupled to controller 46. I/O 57 is the interface

between scanner and processor 45 and modem 21 and is used to upload data from meter 41 to computer 26 via modems 21 and 23. Clock and calendar 58 will supply the instant date and time that scanner 45 reads mail piece 10. The above information will be stored in buffer 54 of Fig. 3A.

Thus, meter 41 is the same as meter 11. In this example, meter 41 is being used as the receiving meter, and meter 11 is being used as a sending meter. It will be obvious to those skilled in the art that meter 11 may be a receiving meter and meter 41 a sending meter, and that additional meters may be connected to computer 26.

After indicia 18 is affixed to mail piece 10 by postage meter 11, mail piece 10 is placed in slot 507 (Fig. 2) before it enters control chamber 510 and inner chamber 514 of receptacle 500. Mail deposited in inner chamber 514 of receptacle 500 will subsequently enter USPS mail delivery process 32. The description and operation of receptacle 500 is described in the description of Fig. 2. The post delivers mail piece 10 to the owner of electronic postage meter 41. Mail piece 10 will be scanned by scanner and processor 45 of meter 41. Scanner and processor 45 segments the data and stores it for uploading to computer 26 via modems 21 and 23. Information from meter 11 regarding mail piece 10 was previously sent to computer 26 via modems 20 and 23. The information transmitted by meter 11 is tracking number 7, address field 8 and address field 9. The information transmitted by meter 41 is tracking number 7, return

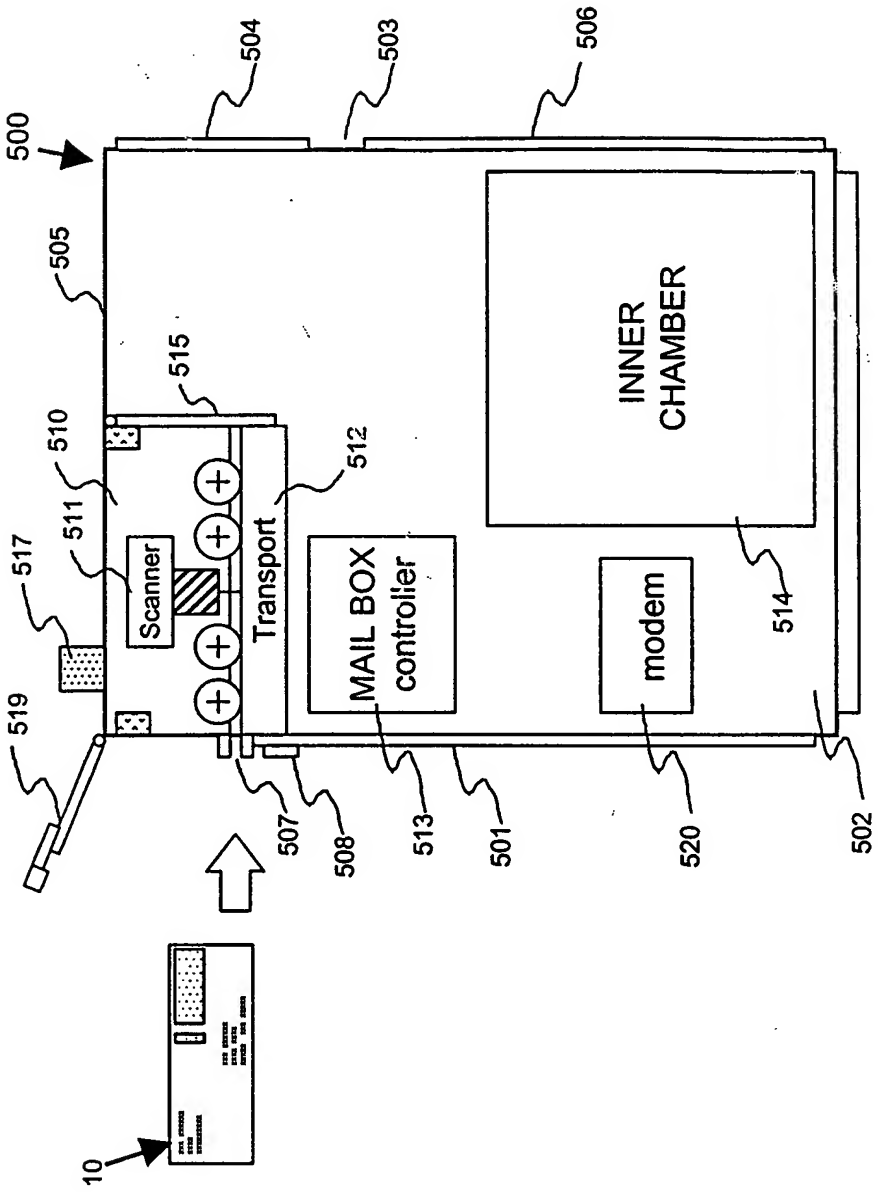
500
504
503
506
505
515
510
512
511
517
519
Scanner
Transport
MAIL BOX controller
INNER CHAMBER
modem
514
507
508
513
501
520
502
10

FIGURE 2

Fig. 2 is a drawing of mail receptacle 500 of Fig. 1. Receptacle 500 has a front panel 501 containing a slot 508 for receptacle identification cards 600 and 610 (Figs. 11A and 11B) and a mail slot 507 for depositing mail, a top panel 505, side panels 502, and a back panel 503 having a door 504 for access to life-harming materials, and a door 506 for access to non-life-harming materials. Receptacle 500 has a control chamber 510 that contains a scanner 511 and a transport 512. Card 600 or card 610 are placed in slot 508 and transported by transport 512 to scanner 511 so that scanner 511 may read the information on the card. Then transport 512 ejects card 600 or card 610 through slot 508. When mail and/or mail piece 10 (Fig. 1) is deposited face up in slot 507, mail piece 10 will enter control chamber 510. The face of mail piece 10 will be scanned and read by scanner 511 while being moved by transport 512. Receptacle controller 513 will interpret the foregoing information regarding mail piece 10. Controller 513 will communicate with postal data center 516 (Fig. 1) via data buffer and modem 520. Data center 516 communicates with computer 26 (Fig. 1) which accesses buffer 29 to determine if a record of the mail currently in control chamber 510 appears in inbound mail data buffer 29.

If the information on the face of the mail piece in control chamber 510 does not match the information in inbound mail data buffer 29 the mail in control chamber 510 is of questionable origin and may be suspected of having life harming material. The mail will remain in control chamber 510, and a signal will be sent by controller 513 to postal data center 516 to inform the proper authorities to unlock door 504, remove the possibly

of questionable origin and may be suspected of having life harming material. The mail will remain in control chamber 510, and a signal will be sent by controller 513 to postal data center 516 to inform the proper authorities to unlock door 504, remove the possibly tainted mail and activate door 519 to close slot 507 and prevent any mail from entering chamber 510. Controller 513 will also activate LED 517, which will indicate "Out Of Service" or "May contain life harming materials", etc .

If the information on the face of the mail piece in control chamber 510 matches the information in buffer 29, the mail in control chamber 510 is not of questionable origin and is not suspected of having life harming material. The information will be stored in mail box entry data buffer 518 (Fig. 1) and computer 26 will authorize controller 513 to open door 515 and enable transport 512 to move the mail in control chamber 510 to inner chamber 514. Mail piece 10 and the other mail in inner chamber 514 may be removed by opening locked door 506.

VI GROUNDS OF REJECTION TO BE REVIEWED

A. Whether or not claims 1 - 4, 10, 11, 19, 20, 22 and 24 are patentable under 35 USC §102(e) for being anticipated by Alden, U.S. Patent Application publication 2003/0072469.

B. Whether or not claims 5 - 8 are patentable under 35 USC §102(e) for being anticipated by Alden, U.S. Patent Application publication 2003/0072469.

C. Whether or not claim 9 is patentable under 35 USC §102(e) for being anticipated by Alden, U.S. Patent Application publication 2003/0072469.

D. Whether or not claims 12 – 15 are patentable under 35 USC §103(a) over Alden and further in view of Bobrow, et al., (U.S. Patent Application Publication No. 2002/0079371).

E. Whether or not claim 16 is patentable under 35 U.S.C. §103(a) 35 USC §103(a) over Alden and further in view of Bobrow, et al., (U.S. Patent Application Publication No. 2002/0079371).

F. Whether or not claims 17 and 18 are patentable under 35 U.S.C. §102(e) for being anticipated by Alden, U.S. Patent Application publication 2003/0072469.

G. Whether or not claim 21 is patentable under 35 U.S.C. §103(a) over Alden, and further in view of Ananda (U.S. Patent No.: 6,385,731).

H. Whether or not Claim 23 is patentable under 35 U.S.C. §103(a) over Alden in view of Brookner (U.S. Patent No. 6,842,742).

I. Whether or not claims 25 and 26 are patentable under 35 USC §103(a) over Alden and further in view of Ananda, et al., (U.S. Patent No. 6,385,731).

J. Whether or not claims 1- 24 should remain provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

VII ARGUMENTS

A. Claims 1 - 4, 10, 11, 19, 20, 22 and 24 have been rejected by the Examiner under 35 U.S.C. §102(e) for being anticipated by Alden, U.S. Patent Application Publication 2003/0072469.

The Examiner stated the following in pages 2-3 of the July 12, 2005 Final Rejection: "As per claim 1, Alden discloses an incoming mail monitoring system, said system comprises (abstract); one or more data bases that stores unique information affixed to mail and identities of mailers (database storing information) (abstract,

paragraph 17, fig's. [sic] 3-9); a plurality of receptacles that reads and stores the unique information affixed to mail after the mail enters the interior of the receptacle (storing information) (abstract, paragraph 17, fig's. [sic] 3-9); a data center that stores the unique information affixed to mail and receives the unique information from the receptacles to determine if the mailer is permitted to enter mail in the receptacle (storing information) (abstract, paragraph 17, fig's. [sic] 3-9); and means coupled to the data center and the recipient of the mail for communicating to the recipient, information stored in the data center above the mail (transfer of data) (abstract, Paragraph 17, fig's.3-9)."

The Examiner stated the following in page 2 of the July 12, 2005 Final Rejection: "As per claim 1, Alden discloses a mail monitoring system, said system comprises: a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail (paragraph 17, Fig's. [sic] 3-9); a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle (paragraph 17, Fig's. [sic] 3-9); and a data center that receives information stored by the mailer's units and the receptacles to identify the mailer and asses the possibility of the presence of life harming material in the mail (abstract, Paragraph 17, Fig's 3-9)".

Paragraph 17 of Alden reads as follows:

> "FIG. 3 is a flowchart describing hardcopy mail interception at the home mailbox of the present invention. The present invention provides a mail scan service 49. In this illustration, the mail scan service is intercepting the intended recipient's 55 mail at his home mail box 47. The 49 scans (records a digital image) of the mail which it provides electronically over the internet, thereby enabling the intended recipient to virtually view the mail prior to receiving it. Internet communication channel between 49 and 55 is indicated by a dotted line. The 55 elects to accept or to reject each specific mail article. Rejected mail 51 is discarded by the 49 and accepted mail 53 is routed to the user by the 49. Thus the user of the scanning service receives and personally handles only the mail that he wishes to and

discards the unwanted mail without ever having handled it. This reduces potential for exposure to explosives, biological agents, and chemical agents distributed by terrorists."

:

Alden's abstract reads as follows:

> "In a preferred embodiment, a network-based hardcopy mail scanning system to enable a mail recipient to view virtual images of their mail prior to physically receiving said mail. Unwanted mail from unknown origins can be discarded remotely by the mail recipient prior to actually receiving or touching the hardcopy mail. Thus the mail recipient is insulated from contact with potential letter bombs, biological agents, and chemical agents distributed by terrorists through the US or international postal systems. The process includes a means to digitize an image of hardcopy mail intended for a mail recipient, a database to store the digitized image, a scanning service computer connected to said database. Said scanning service computer and a mail recipient computer are interconnected by a computer network. The scanning service computer communicates images of hardcopy mail (addressed for delivery to the mail recipient to the mail recipient computer via the computer network. The mail recipient can elect to accept mail for receipt or to reject mail which is then destroyed. By virtually selecting what mail to accept and discarding the rest, the recipient can discard mail from unknown origins prior to ever physically handling it."

Alden does not disclose a postal indicia. In fact, in Fig. 9, Alden shows what appears to be a cancelled 34 cents U.S. postage stamp in the upper right hand side of the image of envelope 175. A U.S. postage stamp does not identify the party who placed the stamp on the mail.

Alden does not disclose a postal indicia. In fact, in Fig. 9, Alden shows what appears to be a cancelled 34 cents U.S. postage stamp in the upper right hand side of the image of envelope 175. A U.S. postage stamp does not identify the party who placed the stamp on the mail.

Some of the advantages of Appellant's claimed invention over the invention disclosed by Alden are as follows. Alden obtains a scanned image of the face of mail before the recipient receives the mail. From the scanned image Alden's recipient assumes that the party whose name appears in the space provided for the return address is the party who sent the mail to the recipient. It is possible that terrorists may place the name of a entity known to Alden's recipient in the return address space. Whereas, in Appellant's claimed invention a plurality of mailers' units stores unique information contained in a postal indicia affixed to mail so that a plurality of receptacles may read and store the unique information contained in the postal indicia before the mail enters the interior of the receptacle; to enable a data center to identify the mailer. The foregoing is possible because a postal indicia positively identifies the sender of the mail, i.e. the person or group who applied for a license to use a postage meter to affix postage indicia to mail for the payment of postage. Thus, a third party data center verifies the identity of the party who affixed the postal indicia to the mail to the recipient. Hence, Appellant's claimed invention provides additional security than that disclosed by Alden.

Hence, Alden does not disclose or anticipate the following elements of claim 1 namely, a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail; a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

B. Claims 5 - 8 have been rejected by the Examiner under 35 U.S.C. §102(e) for being anticipated by Alden, U.S. Patent Application Publication 2003/0072469.

Claims 5, 6 and 8 depend on claim 4 and claim 4 depends on claim 1. Claim 7 depends on claim 6.

Claim 4 adds the following limitation to claim 1, locating the scanner in a control unit.

Claim 5 specifies that the control chamber has a locked door for isolating suspect mail.

Claim 6 specifies that the interior of the receptacle comprises: an inner chamber that receives mail from the control chamber that is not suspected of having life harming material.

Claim 7 specifies that the inner chamber has a locked door in which when open mail may be removed from the inner chamber.

Claim 8 includes a slot for depositing mail into the control chamber.

The Examiner stated in page 3, of the July 12, 2005 Final Rejection the following: "

As per claim 5, Alden discloses wherein the control chamber has a locked door for isolating suspect mail (abstract, paragraph 17, Fig's 3-9).

As per claim 6, Alden discloses an inner chamber that receives mail from the control chamber that is not suspected of having life harming material (abstract, paragraph 17 Fig's 3-9).

As per claim 7, Alden discloses wherein the inner chamber has a locked door which when open mail may be removed from the inner chamber (abstract, paragraph 17, Fig's 3-9).

As per claim 8, Alden discloses a slot for depositing mail into the control chamber (abstract, paragraph 17 Fig's 3-9).

In addition to the arguments made in above Section A please consider the following.

Alden discloses a mail scanner that reads the face of mail in which rejected mail 51 is discarded and accepted mail 53 is routed to the user. Alden does not disclose or anticipate a receptacle that has a control chamber and a inner chamber, wherein the control chamber may be locked to isolate mail that is suspected of having life harming material.

C. Claim 9 has been rejected by the Examiner under 35 U.S.C. §102(e) for being anticipated by Alden, U.S. Patent Application Publication 2003/0072469.

Claim 9 depends on claim 8 and claim 8 depends on claim 4, which depends on claim 1.

Claim 9 adds the following limitation to claim 8, namely, means for closing the slot when the mail in the control chamber is suspected of containing life harming substances.

In addition to the arguments made in above Sections A and B please consider the following. Alden discards mail that is not accepted. Alden does not disclose any means for closing a slot when the mail in the control chamber is suspected of containing

life harming substances. Furthermore, Alden does not disclose the concept of isolating suspect mail. One of the advantages of isolating suspect mail is that the mail may be prevented from entering the mail stream and/or the proper authorities may safely dispose of the suspect mail. Also the proper authorities may want to use the mail to determine the sender and use the mail as evidence in some future proceeding.

D. Claims 12 - 15 have been rejected by the Examiner under 35 U.S.C. §103(a) over Alden and further in view of Bobrow, et al., (U.S. Patent Application Publication No. 2002/0079371).

Claim 12 depends on claim 1 and claim 13 depends on claim 12. Claim 14 depends on claim 13 and claim 15 depends on claim 13.

The Examiner stated in page 5 of the July 12, 2005 Final Rejection the following: "Bobrow et al. discloses wherein the mailer's unit includes the **time** and **date** that the postal indicia was affixed to the mail in the unique information contained in the postal indicia (paragraph 133, fig's. [sic] 2 and 4)."

Paragraph 133 of Bobrow, et al reads as follows:

> "[0133] Swipes **1114, 1116,** and **1118** specify the date and time of the event. Swipes **1110, 1112, 1122,** and **1124** serve to annotate the event. The address is set forth in swipes **1120, 1122,** and **1124** – this information can remain part of the annotation or can be extracted by the system as described below. Note that this further information can be displayed in a hierarchical fashion, concealing details until needed. Moreover, in one embodiment of the invention, the entire announcement of **FIG. 11** (or at least an additional portion thereof) is scanned and stored as an image in the database **310 (FIG. 3)** in addition to the information extracted and used as an event annotation as set forth above. This approach has the advantage that additional information in the document (such as the bride's name, for example) is accessible and can be made available, if necessary, even if it is not expected to be needed at the time the key data items are extracted."

Alden discloses the following in paragraph 20:

> " Fig. 6 is a flowchart describing hardcopy mail scanning performed by an office mail processing system. Many buildings use internal mailroom personnel to distribute mail through out the building, the present invention can be used at the building level as well. After the postal service **93** delivers mail to office mail processing system **95** the office mail service provides a mail scanning service (digital images of the mail are created). An intended receiver **105** is given access to the digital images via the intranet (indicated with dotted line) which interconnects the **97** computer and the **105** computer. Also over the intranet, the **105** sends elections to accept or reject each mail article to the **97** computer. The office mail processing system then delivers the only the accepted mail to the **105** and discards the rejected mail. Thus the user of the office mail scanning service receives and personally handles only the mail that he wishes to and discards the unwanted mail without ever having handled it. This reduces potential for exposure to explosives, biological agents, and chemical agents distributed by terrorists."

The above patents do not disclose or anticipate using information contained in a postal indicia with other information obtain from the receptacle units assess the possibility of the presence of life-harming material in the mail.

Some of the advantages of Appellant's claimed invention over the invention disclosed by Alden and Bobrow are as follows. Alden obtains a scanned image of the face of mail before the recipient receives the mail. From the scanned image Alden's recipient assumes that the party whose name appears in the space provided for the return address is the party who sent the mail to the recipient. It is possible that terrorists may place the name of a entity known to Alden's recipient in the return address space. Whereas, in Appellant's claimed invention a plurality of mailers' units stores unique information contained in a postal indicia affixed to mail so that a plurality of receptacles may read and store the unique information contained in the postal indicia before the mail enters the interior of the receptacle; to enable a data center to identify the mailer.

The foregoing is possible because a postal indicia positively identifies the sender of the mail, i.e. the person or group who applied for a license to use a postage meter to affix postage indicia to mail for the payment of postage. Thus, a third party data center verifies the identity of the party who affixed the postal indicia to the mail to the recipient. Hence, Appellant's claimed invention provides additional security than that disclosed by Alden.

Notwithstanding the foregoing, in rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. ***In re Warner,*** 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); ***in re Lunsford,*** 375 F.2d 385, 148 USPQ 721 (CCPA 1966); ***in re Freed***, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. ***In re Ochiai***, 37 USPQ2d 1127 (Fed. Cir. 1995); **in re Deuel**, *51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995);* ***in re Fritch***, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); ***Uniroyal, Inc. v. Rudkin-Wiley Corp.***, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole. ***In re Ochiai***, supra; **in re Vaeck**, *947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991);* ***in re Fine***, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); ***in re Dow Chemical Co.***, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

E. Claim 16 has been rejected by the Examiner under 35 U.S.C. §103(a) over Alden and further in view of Bobrow, et al., (U.S. Patent Application Publication No. 2002/0079371).

Claim 16 is dependent on claim 15 and claim 15 is dependent on claim14. Claim 14 is dependent on claim 13 and claim 13 is dependent on claim12, which is dependent on claim 1.

In addition to the arguments made in above Section D, the cited art does not disclose or anticipate informing the post of the possibility of the presence of life-harming material in the mail.

F. Claims 17 and 18 have been rejected by the Examiner under 35 U.S.C. §102(e) for being anticipated by Alden, U.S. Patent Application Publication 2003/0072469.

Claims 17 and 18 depend on claim 1. Claim 17 adds the following limitation to claim 1: wherein the mailer's unit includes means for automatically transmitting information to the data center at predetermined intervals.

Claim 18 adds the following limitation to claim 1: wherein the receptacle includes means for automatically transmitting information to the data center at predetermined intervals.

. In addition to the arguments made in above section A Alden does not disclose or anticipate means for automatically transmitting information to the data center at predetermined intervals.

G. Claim 21 has been rejected by the Examiner under 35 U.S.C. §103(a) over Alden, and further in view of Rangan, et al. (U.S. Patent Application Publication No.: 2005/0034055).

Claim 21 is dependent on claim 1. In claim 21, the unique information is encrypted.

In addition to the arguments made in above Section D, please consider the following.

The Examiner stated the following in page 6, of the Final Rejection.

Alden discloses a mail monitoring system as described above. Alden does not disclose information being encrypted. Rangan et. al. discloses encrypted information (paragraph 91). It would have been obvious to modify Alden to include encrypted information such as that taught by Rangan et. al. in order to hide the true meaning of the information discloses.

Paragraph 91 of Rangan, et al reads as follows:

> "**[0091]** In an alternative embodiment gatherer **67** may be implemented as a client application installed on a user's PC. In this embodiment, a user would not be required to supply log-in or password codes. Summarization scripts may be sent to the client software and templates may be automatically created with the appropriate scripts using log-in and password information encrypted and stored locally on the user's machine."

Neither Alden nor Rangan, taken separately or together, disclose or anticipate a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail; a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle.

H. Claim 23 has been rejected by the Examiner under 35 U.S.C. §103(a) over Alden in view of Brookner (U.S. Patent No. 6,842,742).

Claim 23 is dependent on claim 1. In claim 23 the mailer's units are digital postage meter units.

In addition to the arguments made in above Section D, please consider the following.

Brookner discloses the following in lines 27-39 of column 2:

> "In accordance with the present invention, there is provided a greatly improved system providing early warning preemptive postal equipment replacement. According to the invention, it is provided that selected performance parameters of the postal equipment are monitored and compared against predetermined
>
> operational boundaries. The monitoring gives an indication of the overall system performance. If the system performance goes outside of operational boundaries, or changes significantly, replacement can be scheduled with minimal inconvenience to the customer. Data from the old meter can then be orderly transferred to the replacement meter."

Neither Alden nor Brookner, taken separately or together, discloses or anticipates a plurality of mailers' units that stores unique information contained in a postal indicia produced by a digital postage meter which is affixed to mail; a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle.

I. Claims 25 and 26 have been rejected by the Examiner under 35 USC §103(a) over Alden and further in view of Ananda, et al., (U.S. Patent No. 6,385,731).

Claims 25 and 26 are dependent on claim 1. In claim 25 the unique information contained in the postal indicia includes a security code. In claim 26 the security code is obtained from a recipient address field on the mail and information contained in a postage meter that produces the postal indicia.

The Examiner stated in page 7 of the July 12, 2005 Final Rejection the following:

Alden discloses a mail monitoring system as described above. Alden does not disclose postal indicia containing a security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail. Ananda discloses postal indicia containing a security code (col. 21, 27-45 & 52-67; col. 22, 45-60; col.27, 65-67; col. 28, 1-7) and security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail (col. 21, 27-45 & 52-67; col. 22, 45-60; col. 27, 65-67; col. 28, 1-7). It would have been obvious to modify Alden to include postal indicia containing security code or security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail such as that taught by Ananda in order to categorize each piece of mail according to the information that corresponds to each piece of mail and have the security pieces within the system such that the system user can recognize if a piece of mail is secure by analyzing the data on the envelope of the mail.

In addition to the arguments made in above Section A, please consider the following. Ananda discloses the following in lines 27 – 67 of Col. 21.

> "The present invention can be applied to secure on-line postage metering service, particularly in conjunction with the United States Postal System (USPS). Currently, meter fraud due to the unadthorized and fraudulent uses of traditional mechanical postage meters is on the rise and a more secure postage metering system is needed to curb meter fraud. Electronic postage meters provide advantages over the traditional mechanical postage meters due to their connectivity and speed. However, an electronic postage metering system requires proper security and authentication methods to successfully deliver secure postage metering services. In this application, the rental software is an on-line postage metering program and on-line dynamic password verification

methods described above are used to provide a secure authentication process. The goal of such an electronic postage metering system is to allow a user to print a postal indicium at home, at office, or any other desired place by using a printer and a (personal) computer connected to a server in a secure and fraud-free manner.
To implement a secure on-line electronic metering system, the invention requires computers equipped with a modem, FIG. 12 shows a hardware block diagram of a secure electronic metering system constructed according to the invention. For discussion purposes, a customer of an on-line postage metering service is referred to as a user or a client. In FIG. 12, user system 1200 functions as an on-line electronic postage meter and comprises a personal computer (PC) 1201, a modem 1202 connected to PC 1201, and a printer 1203 connected to PC 1201. Modem 1202 is connected to Postal Security Device (PSD) vendor system 1210. As for software requirements, the system shown in FIG. 12 requires on-line postage metering software to provide the on-line postage metering service. In one embodiment of the invention, PC 1201 contains the header code portion of the on-line postage metering program. The header code by itself is not complete and requires inputs from the controller code of on-line postage metering program to be operational. A user or a client must have access to user system 1200 to provide inputs such as desired postage amount, delivery point information, or personal information to the secure on-line electronic metering system."

Ananda discloses the following in lines 45 - 60 of Col. 22.

"Database 1213 typically comprises user profiles for every user licensed to use the secure on-line postage metering system including the user's name, address, phone number, E-mail address, licensing post office, license number, and registration status. Database 1213 also comprises ascending and descending registers for each user. The descending register tracks the remaining amount of money available for postal indicium printing. The ascending register stores the total postage value generated by PSD vendor system 1210. Database 1213 comprises system usage log to log every
postage metering transaction, quality assurance information for indicium quality assurance purposes, encryption information for user's public key, and user's financial information such as credit cards, user's banking institutions, electronic funds transfer information, and automated clearinghouse transfer information."

Ananda discloses the following in line 65 of Col. 27 to line 7 of col. 28.

> "Thus, one embodiment of the invention applicable for 4 electronic postage metering has been described. In alternate embodiments, however, the invention can be used for other secure on-line printing applications. For example, the secure on-line printing system can have a server generate images of checks, tickets, coupons or certificates and transmit them to a user computer for printing on a user printer. Therefore, the invention can be applied to symbols other than postal indicia in a secure, authenticated manner."

Ananda discloses a secure on-line postage system. Neither Alden or Ananda taken separately or together disclose or anticipate a disclose or anticipate a plurality of mailers' units that stores unique information contained in a postal indicia having a security code affixed to mail; a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle.

H. Claims 1 - 24 have been provisionally rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting

> "Claims 1-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims I and 3-16 of copending Application No. 10/015469. Although the conflicting claims are not identical, they are not patentably distinct from each other because all three disclose a mail monitoring system, said system comprises: a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail; a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail."

A Terminal Disclaimer was filed in Application No.10/015469 on May 13, 2005 to overcome the double patenting rejection. A copy of the Terminal Disclaimer is attached hereto in Section XI.

In view of the above Appellants respectfully submit that appealed claims 1 - 26 in this application are patentable. It is requested that the Board of Appeal overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

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VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

What is claimed is:

1. An incoming mail monitoring system, said system comprises:

a plurality of mailers' units that stores unique information contained in a postal indicia affixed to mail;

a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and

a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

2. The system claimed in claim 1, wherein the receptacle units include a scanner that reads the postal indicia.

3. The system claimed in claim 2, wherein the scanner captures and interprets the information contained in the postal indicia.

4. The system claimed in claim 2, wherein the scanner is located in a control chamber.

5. The system claimed in claim 4, wherein the control chamber has a locked door for isolating suspect mail.

6 The system claimed in claim 4, wherein the interior of the receptacle comprises:

an inner chamber that receives mail from the control chamber that is not suspected of having life harming material.

7. The system claimed in claim 6, wherein the inner chamber has a locked door in which when open mail may be removed from the inner chamber.

8. The system claimed in claim 4, further including a slot for depositing mail into the control chamber.

9. The system claimed in claim 8, further including:

means for closing the slot when the mail in the control chamber is suspected of containing life harming substances.

10. The system claimed in claim 8, further comprising means for indicating a message indicating the status of the receptacle.

11. The system claimed in claim 1, wherein the data center correlates the recipient address of the mail with unique information contained in the postal indicia.

12. The system claimed in claim 1, wherein the mailer's unit includes the time and date that the postal indicia was affixed to the mail in the unique information contained in the postal indicia.

13. The system claimed in claim 12, wherein the mailer's unit includes other information regarding the mail piece in the unique information contained in the postal indicia.

14. The system claimed in claim 13, wherein the data center further includes:

means for comparing information received from the mailer's unit with information received from one of the receptacle units.

15. The system claimed in claim 14, wherein the data center further includes:

means for comparing other information received from the mailer's unit with information received from one of the receptacle units.

16. The system claimed in claim 15 wherein the receptacle unit includes:

means for informing the post of possibility of the presence of life-harming material in the mail.

17. The system claimed in claim 1, wherein the mailer's unit includes means for automatically transmitting information to the data center at predetermined intervals.

18. The system claimed in claim 1, wherein the receptacle includes means for automatically transmitting information to the data center at predetermined intervals.

19. The system claimed in claim 1, wherein the postal indicia is on a label that is affixed to the mail piece.

20. The system claimed in claim 1, wherein the postal indicia is printed on a piece of paper that may be seen through an envelope forming the mail piece.

21. The system claimed in claim 1, wherein the unique information is encrypted.

22. The system claimed in claim 1, wherein the unique information is printed in an area other than the indicia area of the mail piece.

23. The system claimed in claim 1, wherein the mailer's units are digital postage meter units.

24. The system claimed in claim 1, wherein the mailer's units are digital processors.

25. The method claimed in claim 1, wherein the unique information contained in the postal indicia includes a security code.

26. The method claimed in claim 25, wherein the security code is obtained from a recipient address field on the mail and information contained in a postage meter that produces the postal indicia.

IX EVIDENCE APPENDIX

There is no additional evidence to submit.

X RELATED PROCEEDING APPENDIX

a) U.S. Patent Application Serial No. 10/015,464 entitled "Method And System For Accepting Non-Harming Mail At A Home Or Office" is presently on appeal to the Board Of Appeals

b) U.S. Patent Application Serial No. 10/015,469 entitled "System For A Recipient To Determine Whether Or Not They Received Non-Life Harming Materials" is presently on appeal to the Board Of Appeals

XI. Terminal Disclaimer

SECOND CORRECTED

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) F-435

In re Application of: Ronald P. Sansone

Application No.: 10/015,469

Filed: December 12, 2001

For: SYSTEM FOR A RECIPIENT TO DETERMINE WHETHER OR NOT THEY RECEIVED NON-LIFE-HARMING MATERIALS

The owner*, Pitney Bowes Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/015309 ,10/015464 , filed on December 12, 2001 /* , as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☑ The undersigned is an attorney or agent of record. Reg. No. 26,796

Ronald Reichman — May 13, 2005
Signature — Date

RONALD REICHMAN
Typed or printed name

203-924-3854
Telephone Number

☑ Terminal disclaimer fee under 37 CFR 1.20(d) is ~~included.~~ to be charged to deposit account #16-1885.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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